

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 95-823-T - ORDER NO. 95-1655 ✓

November 3, 1995

IN RE: Application of Carl's Inc. DBA Apartment Movers, Etc., 5101 Ashley Phosphate Road, Suite 104, North Charleston, SC 29418 for a Class E Certificate of Public Convenience and Necessity.) ORDER GRANTING
) WAIVER OF
) SAFETY RATING
) AND DENYING
) WAIVER OF FORM
) E REQUIREMENTS

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Carl's Inc. DBA Apartment Movers, Etc. (the Applicant) to waive the requirement of a safety rating and the requirement of filing a Form E as proof of insurance. As reasons for its request for waiver of the safety rating, the Applicant states that its restricted certificate places the Applicant below the minimum weight required to obtain a safety rating. As for the request of the waiver of the Form E filing, the Applicant states that it obtains its insurance from State Farm and that State Farm does not supply a Form E filing.

The Commission granted the Applicant's Application for a Certificate of Public Convenience and Necessity by Order No. 95-1554 dated September 20, 1995. The authority granted to the Applicant by Order 95-1554 authorizes the Applicant to render motor freight service for "Household Goods between points and places in South Carolina; Restricted to vans of fifteen (15) feet with a maximum capacity of 700 cubic feet." Prior to the actual

Certificate being issued to the Applicant, the Applicant was required by Order 95-1554 to file with the Commission certain information including a safety rating or safety profile and proof of insurance.

The Commission is now informed that the restrictions on the size of the vehicle in the authority granted by Order 95-1554 does not require a safety rating. Staff advises the Commission that the type of vehicle authorized by the Commission does not come under the Motor Carrier Safety Act as the size of the vehicles does not qualify as needing a safety rating. The Commission therefore believes and finds that a waiver of the requirement of a safety rating is in the public interest, and pursuant to 26 S.C. Code Regs. 103-101, as amended, the Commission grants the waiver of the Applicant filing a safety rating.

The applicant also requests a waiver from the requirement of filing a Form E as proof of liability insurance. 26 S.C. Code Regs. 103-171 requires that "evidence of bodily injury and property damage insurance will be made on Form E, 'Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance.'" The Commission believes that the filing of the Form E is necessary to protect the public as the Form E is the Commission's method of accounting of motor carriers who have proper insurance as well as keeping track of motor carriers who do not have proper insurance. The Form E is an integral part of the Commission's enforcement of the Motor Carrier laws and the Commission does not believe that it would be in the public interest to waive the filing of the Form E. Therefore, the Commission

denies the Applicant's request for a waiver of the requirement of filing the Form E as proof of insurance.

IT IS THEREFORE ORDERED THAT:

1. The Applicant's request for a waiver of the requirement of filing a safety rating is granted.

2. The Applicant's request for a waiver of the requirement of filing a Form E as proof of insurance is denied. The Applicant shall therefore file a Form E as proof of insurance.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)